

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GABBY KLEIN, *et al.*,
Plaintiffs,

v.

Civil No. 3:20cv75 (DJN)

ALTRIA GROUP, INC. *et al.*,
Defendants.

ORDER

This matter comes before the Court on the Parties' Joint Position Statement (ECF No. 69) filed on February 24, 2020. In their joint statement, the parties request that the Court adopt the deadlines for filing an amended complaint and the briefing of a motion to dismiss that the transferor court previously adopted. Because the parties are in agreement, the Court will hereby ADOPT that schedule (ECF No. 47) and will hereby CANCEL the scheduling conference previously scheduled for March 4, 2020. Accordingly, it is hereby ORDERED that:


1. Lead Plaintiffs shall file a consolidated amended complaint by March 24, 2020;
2. Defendants shall answer, move to dismiss or otherwise respond to the consolidated amended complaint within 60 days of the filing of the consolidated amended complaint;
3. If Defendants move to dismiss, Lead Plaintiffs shall file their opposition within 60 days after Defendants file their motion to dismiss; and
4. Defendants shall file their reply within 45 days after Lead Plaintiffs file their opposition.

Further, because this case is governed by the Private Securities Litigation Reform Act of 1995, there is a mandatory stay of "all discovery and other proceedings" in this matter pending the Court's resolution of Defendants' expected motion to dismiss. *See* 15 U.S.C. § 78u-4(b)(3)(B).

Finally, if Lead Plaintiffs, pursuant to Rule 15(a)(1), file a second consolidated amended complaint in response to Defendants' motion to dismiss, Lead Plaintiffs shall not have leave to file a subsequent amended pleading without filing a separate motion for leave to amend, which shall be granted only upon satisfaction of the requirements of Rule 16(b)(4) and Rule 15. *See Nourison Rug Corp. v. Parvizian*, 535 F.3d 295, 298 (4th Cir. 2008) (requiring parties moving for leave to amend outside of the deadlines prescribed in a scheduling order to satisfy the good cause requirement of Rule 16(b)(4) and the requirements of Rule 15). Additionally, if Lead Plaintiffs do not file an amended pleading in response to Defendants' motion to dismiss, the Court will resolve the relevant motion based on the consolidated amended complaint, with leave to amend granted only upon the satisfaction of Rule 16(b)(4) and Rule 15.

Let the Clerk send a copy of this Order to all counsel of record.

It is so ORDERED.


_____/s/
David J. Novak
United States District Judge

Richmond, Virginia

Date: February 26, 2020